

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**KATRESA PLATT And  
NIESHA DAVIS,**

**PLAINTIFFS,**

**vs.**

**THE WAGGONERS TRUCKING, INC., And  
JACK OWENS, Individually, Et Al.,**

**DEFENDANTS**

**CIVIL ACTION NO:  
3:06cv1146-MHT**

**THE PARTIES' JOINT MOTION FOR  
EXTENSION OF TIME IN WHICH TO COMPLY WITH  
SECTION 8 OF THE COURT'S UNIFORM SCHEDULING ORDER**

The parties in the above styled case, by and through their respective attorneys of record, jointly move the Court:

(a). To grant the Plaintiffs an extension of time to and including June 1, 2007, in which to comply with Section 8 of the Uniform Scheduling Order (Document 15) entered in this case on February 13, 2007, and

(b). To grant the Defendants an extension of time to and including July 1, 2007, in which to comply with Section 8 of the Uniform Scheduling Order (Document 15) entered in this case on February 13, 2007.

This motion is made pursuant to "The Parties' Joint Stipulation For Extension Of Time In Which To Comply With Section 8 Of The Court's Uniform Scheduling Order", which Order was entered in this case on February 13, 2007. A true copy of said Joint Stipulation of the parties is attached hereto as Exhibit A and incorporated herein by

reference. Said Joint Stipulation of the parties is filed simultaneously with the filing of this motion.

The Affidavit of Michael W. Slocumb, attached hereto as Exhibit B, is submitted in further support of this motion.

/s/ Michael W. Slocumb  
MICHAEL W. SLOCUMB (SLO010)  
ATTORNEY FOR THE PLAINTIFFS

OF COUNSEL:

SLOCUMB LAW FIRM, LLC  
2006 Executive Park Drive, Suite A  
Opelika, Alabama 36801  
Tel. No. (334) 741-4110  
Fax No. (334) 742-0525

/s/ Will O. (Trip) Walton, III  
WILL O. (TRIP) WALTON, III (WAL046)  
ATTORNEY FOR THE PLAINTIFFS

OF COUNSEL:

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2515 East Glenn Avenue, Suite 304  
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Facsimile No: 334-321-3007

/s/ Floyd D. Gaines  
FLOYD D. GAINES (GA1009)  
ATTORNEY FOR THE DEFENDANTS

OF COUNSEL:

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P. O. Box 395  
Birmingham, AL 35201-0395  
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Facsimile: (205) 320-2811

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**DEFENDANTS**

**CIVIL ACTION NO:  
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**THE PARTIES' JOINT STIPULATION  
FOR EXTENSION OF TIME IN WHICH TO COMPLY WITH  
SECTION 8 OF THE COURT'S UNIFORM SCHEDULING ORDER**

The Plaintiffs, by and through their undersigned attorneys of record, represent and show unto the Court as follows:

1. The above styled action arises from a motor vehicle collision that occurred on December 8, 2006.

2. The Plaintiffs' original complaint was filed on, to-wit, December 27, 2006. Said original complaint claimed damages for personal injuries sustained by Plaintiff Katresa Platt and Plaintiff Niesha Davis as the proximate results of said motor vehicle collision.

3. Thereafter, on to-wit, February 16, 2007, the Plaintiffs filed their Second Amended Complaint (Document 16). In Count Six of said Second Amended Complaint, Plaintiff Niesha Davis added a claim for the wrongful death of her infant daughter, Nyla Rosie Davis, who was born alive but prematurely on January 22, 2007, and who died on January 23, 2007.

4. Plaintiff Niesha Davis contends that the premature birth and death of her infant child, Nyla Rosie Davis, were proximately caused by said motor vehicle collision.

5. Plaintiff Niesha Davis and her attorneys have had, and continue to have, unforeseen difficulties in obtaining information and opinions from one of Niesha's treating and/or consulting physicians in Columbus, Georgia, and from one of her treating physicians in Opelika, Alabama, regarding the effect that the subject motor vehicle collision, Niesha's resulting injuries, and Niesha's resulting treatment (including her prescription pain medication) had upon her pregnancy, her unborn fetus, and the premature birth and subsequent death of her infant child, Nyla Rosie Davis.

6. Also, Plaintiff Niesha Davis and her attorneys have had unforeseen difficulties in obtaining (a) the East Alabama Medical Center hospital records pertaining to the premature birth of Plaintiff Niesha Davis' said infant child, Nyla Rosie Davis, and (b) the Baptist Health South hospital records pertaining to the death of Plaintiff Niesha Davis' infant child, Nyla Rosie Davis.

7. Section 8 of the Uniform Scheduling Order (Document 15) dated February 13, 2007, requires the Plaintiffs (a) to disclose the identity of any person who may be used at trial to present evidence under Rules 702, 703 and 705 of the Federal Rules of Evidence, and (b) to provide reports of retained experts as required by Rule 26(a)((2) of the Federal Rules of Civil Procedure – all on or before May 1, 2007.

8. Due to said unforeseen difficulties in obtaining said hospital records, and due to the unforeseen difficulties in obtaining said information and opinions from said

physicians, the Plaintiffs' attorneys will not be able to fully comply with Section 8 of the Uniform Scheduling Order by May 1, 2007.

Under the circumstances, the Plaintiffs (acting by and through their undersigned attorneys) and the Defendants (acting by and through their undersigned attorney) mutually stipulate and agree as follows:

(a). That the Plaintiffs be granted an extension of time to and including June 1, 2007, in which to comply with Section 8 of said Uniform Scheduling Order,

(b). That the Defendants be granted an extension of time to and including July 1, 2007, in which to comply with Section 8 of said Uniform Scheduling Order,

(c). That Section 8 of said Uniform Scheduling Order be modified or amended to grant such extensions of time, and

(d). That such extensions of time will not cause any prejudice to any of the parties, will not interfere with the time set for completion of discovery, will not interfere with the hearing of any motion, and will not cause any delay in the trial of this case.

/s/ Michael W. Slocumb  
MICHAEL W. SLOCUMB (SLO010)  
ATTORNEY FOR THE PLAINTIFFS

OF COUNSEL:

SLOCUMB LAW FIRM, LLC  
2006 Executive Park Drive, Suite A  
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Tel. No. (334) 741-4110  
Fax No. (334) 742-0525

/s/ Will O. (Trip) Walton, III  
WILL O. (TRIP) WALTON, III (WAL046)  
ATTORNEY FOR THE PLAINTIFFS

OF COUNSEL:

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/s/ Floyd D. Gaines  
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AFFIDAVIT OF MICHAEL W. SLOCUMB

STATE OF ALABAMA )

LEE COUNTY )

Before me the undersigned notary public in and for the State of Alabama at Large,  
personally appeared Michael W. Slocumb, who is known to me, and who first being duly  
sworn by me, deposes and say as follows:

My name is Michael W. Slocumb. I am one of the attorneys of record for the  
Plaintiffs in the above styled case.

The above styled action arises from a motor vehicle collision that occurred on, to-wit,  
December 8, 2006.

The Plaintiffs' original complaint was filed on, to-wit, December 27, 2006. Said  
original complaint claimed damages for personal injuries sustained by Plaintiff Katresa Platt  
and Plaintiff Niesha Davis as the results of said motor vehicle collision.

Thereafter, on to-wit, February 16, 2007, the Plaintiffs filed their Second Amended  
Complaint (Document 16). In Count Six of said Second Amended Complaint, Plaintiff



Niesha Davis added a claim for the wrongful death of her infant daughter, Nyla Rosie Davis, who was born alive but prematurely on, to-wit, January 22, 2007, and who died on, to-wit, January 23, 2007.

Plaintiff Niesha Davis contends that the premature birth and the subsequent death of her infant child, Nyla Rosie Davis, were proximately caused by the motor vehicle collision which is the subject of this case.

Plaintiff Niesha Davis and her attorneys have had, and continue to have, unforeseen difficulties in obtaining information and opinions from one of Niesha's treating and/or consulting physicians in Columbus, Georgia, and from one of her treating physicians in Opelika, Alabama, regarding the effect that the subject motor vehicle collision, Niesha's resulting injuries, and Niesha's resulting treatment (including her prescription pain medication) had upon her pregnancy, her unborn fetus, and the premature birth and subsequent death of her infant child, Nyla Rosie Davis.

Also, Plaintiff Niesha Davis and her attorneys have had unforeseen difficulties in obtaining (a) the East Alabama Medical Center hospital records pertaining to the premature birth of Plaintiff Niesha Davis' said infant child, Nyla Rosie Davis, and (b) the Baptist Health South hospital records pertaining to the death of Plaintiff Niesha Davis' infant child, Nyla Rosie Davis.

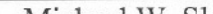
Affiant understands that said hospitals have a substantial backlog in providing requested medical records.

Section 8 of the Uniform Scheduling Order (Document 15) dated February 13, 2007, requires the Plaintiffs (a) to disclose the identity of any person who may be used at trial to



present evidence under Rules 702, 703 and 705 of the Federal Rules of Evidence, and (b) to provide reports of retained experts as required by Rule 26(a)((2) of the Federal Rules of Civil Procedure – all on or before May 1, 2007.

Due to said unforeseen difficulties in obtaining said hospital records, and due to the difficulties in obtaining said information and opinions from said physicians, the Plaintiffs' attorneys will not be able to fully comply with Section 8 of the Uniform Scheduling Order by May 1, 2007.

  
Michael W. Slocumb (SL0016)

SUBSCRIBED AND SWORN TO BEFORE

Me, By Michael W. Slocumb, On

This 19th Day Of April 2007.

Notary Public In And For The State Of Alabama  
At Large

My Commission Expires On My Commission Expires July 2, 2007.